

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
MAY 29 2014	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY: <u>Dawn</u>	DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

9 SERVER TECHNOLOGY, INC.,)
10 Plaintiff and Counterdefendant,) 3:06-CV-00698-LRH-VPC
11 v.)
12 AMERICAN POWER CONVERSION) VERDICT
13 CORPORATION,)
14 Defendant and Counterclaimant.)

15 Instructions: When answering the following questions and filling out this Verdict Form,
16 please refer to the Jury Instructions for guidance on the law applicable to the subject matter
17 covered by each question.

18 WE THE JURY, in the above-entitled case, unanimously find as follows:

INFRINGEMENT

21 | Question 1: Server Tech's '543 Patent: APC's 7900 Series

22 Has Server Tech proven by a preponderance of the evidence that APC's AP 7900 series of
23 products infringe Claim 15 of its '543 Patent?

24 X Yes _____ No _____

25 ///
26 ///

1 If you find that Server Tech has proven by a preponderance of the evidence that APC's
2 AP 7900 series of products infringe Claim 15 of its '543 Patent, do you find that these products
3 literally infringe Claim 15 of the '543 patent, infringe under the doctrine of equivalents, or both?
4 (Check all that apply)

5 Literal Infringement
6 Infringement under the Doctrine of Equivalents as to the "power information"
7 element in Claim 15, element F(ii), in the '543 patent, as referred to in Instruction No. 15.

8

9 **Question 2: Server Tech's '543 Patent: APC's 8900 Series**

10 Has Server Tech proven by a preponderance of the evidence that APC's AP 8900 series of
11 products infringe Claim 15 of its '543 Patent?

12 Yes No

13

14 **Question 3: Server Tech's '771 Patent: APC's 7900 Series**

15 Has Server Tech proven by a preponderance of the evidence that APC's AP 7900 series of
16 products infringe Claim 15 of its '771 Patent?

17 Yes No

18

19 If you find that Server Tech has proven by a preponderance of the evidence that APC's
20 AP 7900 series of products infringe Claim 15 of its '771 Patent, do you find that these products
21 literally infringe Claim 15 of the '771 patent, infringe under the doctrine of equivalents, or both?
22 (Check all that apply)

23 Literal Infringement
24 Infringement under the Doctrine of Equivalents as to the "power information"
25 element in Claim 15, element F(ii), in the '771 patent, as referred to in Instruction No. 15.

26 ///

1 **Question 4: Server Tech's '771 Patent: APC's 8900 Series**

2 Has Server Tech proven by a preponderance of the evidence that APC's AP 8900 series of
3 products infringe Claim 15 of its '771 Patent?

4 Yes No

7 **INVALIDITY**

8 The ultimate legal conclusion that must be reached on the obviousness question is whether
9 APC has proven by clear and convincing evidence that the claimed invention(s), recited in
10 Claim 15 of the '543 patent and Claim 15 of the '771 patent, would have been obvious to a person
11 of ordinary skill in the field at the time of the invention. In order to properly reach a conclusion the
12 following questions must be answered:

13

14 **Question 5:**

15 Do you find that APC has proven by clear and convincing evidence that Claim 15 of the
16 '543 patent would have been obvious to a person of ordinary skill in the field at the time of the
17 invention ("person of ordinary skill" being defined in Instruction No. 23 titled "Level of Ordinary
18 Skill")?

19 Yes No

21 **Question 6:**

22 Do you find that APC has proven by clear and convincing evidence that Claim 15 of the
23 '771 patent would have been obvious to a person of ordinary skill in the field at the time of the
24 invention ("person of ordinary skill" being defined in Instruction No. 23 titled "Level of Ordinary
25 Skill")?

26 Yes No

1 **Question 7: Considerations bearing upon Obviousness or Nonobviousness**

2 A. Commercial Success

3 Do you find that Server Tech's claimed invention was commercially successful due to the
4 merits of the claimed invention?

5 Yes No

7 B. Long Felt Need

8 Do you find that there was a long felt need for a solution to the problem facing the
9 inventors?

10 Yes No

12 C. Copying

13 Do you find that APC or others copied Server Tech's claimed invention?

14 Yes No

16 D. Unexpected Superior Results

17 Do you find that Server Tech's claimed invention achieved unexpectedly superior results
18 over the closest prior art?

19 Yes No

21 E. Praise from the Industry

22 Do you find that others in the field praised Server Tech's claimed invention?

23 Yes No

24 ///

25 ///

26 ///

1 F. Acceptance by Others

2 Do you find that others accepted licenses under Server Tech's '543 and/or '771 patents
3 because of the merits of the claimed invention?

4 Yes No

5

6

7 **DAMAGES**

8 Proceed to Questions 8-11 only if you answered "yes" to at least one of Questions 1
9 through 4. On the other hand, if you answered "no" to all of Questions 1 through 4, then skip
10 Questions 8-11.

11

12 **Question 8: Infringement Damages**

13 Did Server Tech prove by a preponderance of the evidence that it is entitled to recover lost
14 profits as a direct result of APC's infringement?

15 Yes No

16

17 If your answer to Question 8 is "Yes," then proceed to Questions 9 through 11. If your
18 answer to Question 8 is "No," then skip Question 9 and proceed to Questions 10 and 11.

19

20 **Question 9: Lost Profits**

21 What amount of lost profits, if any, do you award Server Tech as a result of infringement
22 by APC?

23 \$

24 ///

25 ///

26 ///

1 | Question 10: Reasonable Royalty

2 For those infringing sales for which Server Tech has not proven lost profits, what amount
3 has it proved it is entitled to as a reasonable royalty?

4 \$ 10,787,634

6 | Question 11: Total Damages

7 If Server Tech has proven lost profits and/or a reasonable royalty, what amount has it
8 proved it is entitled to as total damages?

9 \$ 10,781,634

11 You have now completed the Verdict Form. Have your foreperson date and sign the form
12 below. Then, inform the court security officer that you have reached a unanimous verdict. Do not
13 give the envelope to the bailiff. Your foreperson should retain possession of the Verdict Form
14 until it is requested by the judge when the court reconvenes.

16 Dated this 29 day of May, 2014

JURY FOREPERSON